

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION # 03CV30298-MAP

JAMES TULGAN,  
Plaintiff

v.

BERKSHIRE ARMORED CAR SERVICES  
CO., INC. PROFIT SHARING PLAN,  
BERKSHIRE ARMORED CAR SERVICES  
CO., INC., GERARD S. REDER and  
JACQUELINE POWERS  
Defendants

PLAINTIFF'S REQUEST TO  
CONTINUE STAY PENDING  
DECISION ON PLAINTIFF'S CLAIM  
OF NONDISCHARGEABILITY OF  
DEBT

The defendant Gerard Reder filed a Notice of Bankruptcy in this case and this Court ordered a provisional stay directing the plaintiff to report how he intends to proceed.

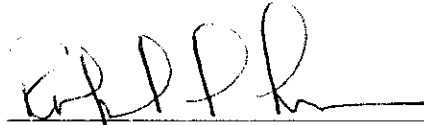
The plaintiff contends his claim against Mr. Reder is nondischargeable pursuant to Section 523(a)(4) of the United States Bankruptcy Code and requests the Court stay this action until the Bankruptcy Court determines the dischargeability of the debt.

The plaintiff contends in this action that Mr. Reder, as trustee of the Berkshire Armored Car Services Co., Inc. Profit Sharing Plan, misappropriated and otherwise defrauded the plaintiff out of a portion of his vested interest in the Profit Sharing Plan. Since Mr. Reder's alleged fraud occurred in his capacity as trustee of the Profit Sharing Plan, the plaintiff contends it is nondischargeable pursuant to 11 U.S.C., section 523(a)(4).

The plaintiff requests this Court stay this action, anticipating he will eventually obtain an order from the Bankruptcy Court holding this debt nondischargeable and he will then litigate this claim against Mr. Reder.

The plaintiff does not believe it is economic to proceed with this suit against the other defendants which have not filed bankruptcy since the best information available to the plaintiff indicates those defendants have no assets and, consequently, a judgment would not be collectable. The defendant Powers has already been dismissed from this case.

The Plaintiff,  
By his Attorney,



Robert L. Leonard, Esquire  
Doherty, Wallace, Pillsbury  
& Murphy, P.C.  
One Monarch Place, Suite 1900  
Springfield, MA 01144-1900  
Tel: (413) 733-3111  
Fax: (413) 734-3910  
B.B.O. Number: 294060

CERTIFICATE OF SERVICE

I, Robert L. Leonard, Esq., hereby certify that on July 5, 2005, I served a copy of the foregoing document on the parties to the case by mailing and faxing a copy of the same postage prepaid to:

Jack E. Houghton, Esq.  
78 Bartlett Avenue  
Pittsfield, MA 01201



Robert L. Leonard, Esq.